



CHCLEG001

WORK LEGALLY AND ETHICALLY

Assessment 1 of 2

Written assessment

ASSESSOR GUIDE



Assessment Details

This section is for SUT VE Quality and Compliance review and feedback and must be deleted in the student version of the assessment.

SECTION 1		
UNIT OF COMPETENCY DETAILS		
Code	Title	
CHCLEG001	Work legally and ethically	
COURSE AND MODULE DETAILS		
<i>Assessments may be published in more than one course. Add lines for additional courses as needed.</i>		
Course Code (UPed)	Module Number (Order)	Module Code (UPed)
SOE3IS11A	3	M0070A
ASSESSMENT TYPE		
Assessment Method: <i>Select all that apply.</i>	Written Assessment	Choose an item. Choose an item.

SECTION 2
STUDENT INSTRUCTIONS
<i>The following instructions detail the requirements of the assessment and are captured in the LMS assessment page. This includes a description of the student instructions, associated files and submission instructions.</i>
Student instructions
This is assessment 1 of 1 for CHCLEG001 Work legally and ethically, in addition to the portfolio, third-party report and interview questionnaire completed in the SWLA process.
This assessment requires you to answer 6 questions to test your knowledge and understanding required of this unit.
To be assessed as competent, you must complete all tasks in the spaces required.
You are required to download your assessment by clicking on the assessment document icon below (see Let's begin) and upload your completed assessment for submission.
Supporting documents
To answer some of the questions, you will need to access the following documents: N/A
Files for submission
Submit the assessment document with all tasks completed in the spaces provided.
Submit the following files: <ul style="list-style-type: none">Assessment document

Student name: <<Insert student name here>>
Student number: <<Insert student number here>>

Submission instructions

PDF File Submissions

Please save all Word documents as PDF files before submitting.

IMPORTANT: Word documents will **not** be accepted.

Most modern web browsers can open and display a PDF file. If you have an older operating system, however, you may need a PDF reader installed on your device such as the Acrobat Reader, available from Adobe.

Windows: Word 2013 and newer

Choose **File > Export > Create PDF/XPS**.

Windows: Word 2010

Click the **File** tab

Click **Save As**

To see the Save As dialog box in Word 2013 and Word 2016, you have to choose a location and folder

In the **File Name** box, enter a name for the file, if you haven't already

In the **Save as type** list, click **PDF (*.pdf)**.

If you want the file to open in the selected format after saving, select the Open file after publishing check box.

If the document requires high print quality, click Standard (publishing online and printing).

If the file size is more important than print quality, click Minimum size (publishing online).

Click **Options** to set the page to be printed, to choose whether markup should be printed, and to select output options. Click **OK** when finished.

Click **Save**.

macOS: Office for Mac

To save your file as a PDF in Office for Mac follow these easy steps:

Click the **File**

Click **Save As**

Click **File Format** towards the bottom of the window

Select **PDF** from the list of available file formats

Give your file a name, if it doesn't already have one, then click **Export**

For more detailed instructions refer to [Microsoft Support](#).

SECTION 3

ASSESSMENT TASK CRITERIA AND OUTCOME

This assessment will be graded as Satisfactory (S) or Unsatisfactory (US).

To achieve Satisfactory; valid, sufficient, authentic, and current evidence of meeting the criteria must be submitted.

Refer to the mapping spreadsheet for details for this unit.

SECTION 4

ASSESSMENT DETAILS

Please refer to SECTION 2 to confirm how the assessment tools will be built and the methods that will be used to collect evidence i.e., Student's will type answers directly into LMS or will upload of files of completed assessment tasks.

The STUDENT INSTRUCTIONS above will be added directly into the LMS.

Student name: <<Insert student name here>>

Student number: <<Insert student number here>>

All associated files will be accessed via the LMS, as will any Assessor Guides, Matrix, Templates etc.

Students and Assessors have restricted permissions in the LMS. Assessor Guides, including model answers, will be available to Assessors ONLY.

The following pages contain the draft assessment which will be built into the LMS once reviewed. This includes:

- Instructions to students
- Questions /tasks
- Templates /tables where applicable
- Links to supporting files /websites
- Instructions to assessors
- Sample answers /examples of benchmark answers

SECTION 5

STAKEHOLDERS AND SIGN OFF

List all that apply for each of the stakeholder roles below.

UPed Learning Designer/Author name	
SOE Quality and Compliance Manager name	
SUT VE Quality Compliance name	
Date approved	

Student name: <<Insert student name here>>
Student number: <<Insert student number here>>



Assessment Instructions

Task overview

This assessment task is divided into 6 questions. Read each question carefully before typing your response in the space provided.

Assessment Information

Submission

You are entitled to three (3) attempts to complete this assessment satisfactorily. Incomplete assessments will not be marked and will count as one of your three attempts.

All questions must be responded to correctly to be assessed as satisfactory for this assessment.

Answers must be typed into the space provided and submitted electronically via the LMS. Hand-written assessments will not be accepted unless previously arranged with your assessor.

Reasonable adjustment

Students may request a reasonable adjustment for assessment tasks.

Reasonable adjustment usually involves varying:

- the processes for conducting the assessment (e.g. allowing additional time)
- the evidence gathering techniques (e.g. oral rather than written questioning, use of a scribe, modifications to equipment)

However, the evidence collected must allow the student to demonstrate all requirements of the unit.

Refer to the Student Handbook or contact your Trainer for further information.



Please consider the environment before printing this assessment.

Student name: <<Insert student name here>>
Student number: <<Insert student number here>>



Question 1

To complete this question, refer to the different context provided in Column A in the table below and complete the corresponding questions from column B- column F for each of the different contexts listed in Column A.

To answer some of these questions you will be required to refer to the following documents:

- a) [Model WHS ACT](#)
- b) [Code of Ethics](#)
- c) Relevant state and territory legislations
- d) Local council/shire regulations

Assessor instructions: the student must be able to identify applicable national, state, territory and local legal framework, and explain the impact on community service workers and the consequences of the framework being breached. The student's responses will vary across community and health services; and benchmark answer is provided below.

Student name: <<Insert student name here>>
Student number: <<Insert student number here>>



Column A	Column B	Column C	Column D	Column E	Column F
Consider each of the topics listed in this column in the context of each of the rows across the table	For people working in the community services and health environments write one(1) relevant Legal considerations for each level a - c: a) National b) relevant state/territory c) local (council/shire)	For people working in the community services and health environments write (1) ethical consideration	Briefly explain how the legal and ethical considerations identified impact on individual workers	Briefly explain how the legal and ethical considerations apply to an organisation	Briefly explain the consequences of breaches of the legal and ethical consideration
a. Children in a workplace (Approximate word count 150-200 words)	a) National Quality standards/National Quality Framework for the rights of children - The National Law and National Regulations outline the legal obligations of approved providers, nominated supervisors, and educators and explain the powers and functions of the state and territory regulatory authorities and ACECQA. b) This will be relevant to students state/territory c) This will be as per students' local area council/shire rules and regulations (where applicable) this could include specific council guidelines related to child care operations etc.	To always act in the best interests of all children. create and maintain safe, healthy, inclusive environments that support children's agency and enhance their learning.	Ethical and legal considerations are essentially about avoiding any harm to children and young people as a result of their participation in your organisation's decision making.	Your organisational policies, procedures and philosophy will clearly outline the specific job requirements and various requirements that will be applicable to your role	Breaches of legislation and ethical code of conduct may pose significant risk, and could result in penalties being imposed on you and/or the organisation
b. Codes of conduct (Approximate word count 150-200 words)	a) Safe work WHS Act/ACWA-Code-of-ethics-Jan-2017.pdf It defines the values and responsibilities that are fundamental to a particular profession. b) This will be relevant to students state/Territory	To demonstrate best practice, one must be able to interpret any applied code of conduct and uphold the morals, values,	Legal and ethical responsibilities will include day-to-day practices or attitudes, and the specific behaviours and	This will be applicable to your organisational code of conduct which plays an important role in outlining specific values, behaviours and	Failure to work within the set codes of conduct may result in reprimand, performance management and training, disciplinary action, harm to people who

		beliefs and expected practices of the organisation and as per the legislation.	expectations that must be adhered to when interacting with others	expectations. Following a code of conduct will help you to implement practices that are consistent and in line with organisational standards	receive services, and legal action against you and/or your employer.
c. Codes of Practice (Approximate word count 150-200 words)	a) Safe work WHS Act/ACWA-Code-of-ethics-Jan-2017.pdf Model Codes of Practice are practical guides to achieving the standards of health and safety required under the model WHS Act and Regulations. b) This will be relevant to students state/Territory	One of the ethical considerations would be to always be respectful when dealing with clients matters and sensitive issues	Legal and ethical responsibilities will include day-to-day practices or attitudes, and the specific behaviours and expectations that must be adhered to when interacting with others	An organisation is responsible for developing codes of practice that outline a way to respond and deal with situations, events or issues when they arise.	Breaches of legislation and ethical code of practice may pose significant risk, and could result in penalties being imposed on you and/or the organisation
d. Complaints Management (Approximate word count 150-200 words)	a) Complaints management guidelines in Australia are the standard guidelines that legislate and outline principles for effective complaints management. Different states have different legislations that apply to manage complaints in their states/territories. For example for Aged care students might provide answers based on Aged care Act and relevant legislations and for disability students might provide relevant legislation based on Disability care Act or applicable legislation.	One of the ethical consideration is to handle and manage any complaints without any bias or prejudice	When you receive a complaint from any client or their families ect you must follow your oeganisations policies and procedures and take all necessary steps to recognise and respond to the complaints	Every service has a complaints policy and appropriate procedures to support the policy (this may also be known as a parent grievance policy). A complaints policy informs each party of their role and explains how the complaint should be handled. The policy must be made available to all clients in the	The service may undergo investigation, legal liabilities may arise, and be in breach of their clients' rights. An increase in insurance premiums may occur.

Student name: <<Insert student name here>>
Student number: <<Insert student number here>>



	b)This will be relevant to students state/Territory			language of their choice to ensure it is understood and can be implemented. The policy and procedures must be followed when your service receives a complaint.	
e. continuing professional education (Approximate word count 150-200 words)	a) Continuing professional education/development (CPD) is the way in which registrants continue to learn and develop throughout their careers so they keep their skills and knowledge up to date and are able to practise safely and effectively. Each state and territory have their own laws and regulations to manage continuing education. b)This will be relevant to students state/Territory	It is a duty of care to upskill and develop personal and professional qualities to provide highest level of care to vulnerable people.	Support workers play a key role in providing healthcare hence it is crucial to keep up with the latest industry health care skills and by not doing so it could lead to ethical and legal issues arising when providing care to people	Organisations are responsible to provide sufficient training and resources for employees to enhance their professional skills and create ongoing learning programs.	Not engaging in continuous professional education may place the organisation and staff at risk of non-compliance with industry workplace practice, legislation, and industry standards. May also impact safety of clients and staff, for example, if work health and safety and infection control measures are not compliant
f. Discrimination (Approximate word count 150-200 words)	a)Age Discrimination Act 2004 (Cth) , The Age Discrimination Act protects people who are discriminated against because of their age and states that, regardless of age, everyone has the same right to equality before the law Disability Discrimination Act 1992 (Cth) The Disability Discrimination Act gives a broad definition of disability, and prohibits direct or indirect	Discrimination is not just unethical; in many cases, it is also illegal. One of the ethical considerations is to not hold any bias in your attitude when working with a range of clients from	Any kind of discrimination can lead to poor work culture and can impact negatively on both clients and employee	Under the Equal Opportunity Act 2010, organisations have a positive duty to eliminate discrimination, sexual harassment and victimisation as far as possible. Every organisation will have	Breach would put the care worker and community health facility at risk of legal liability and impact the workplace culture.

Student name: <<Insert student name here>>
Student number: <<Insert student number here>>



	<p>discrimination based on disability. It also prohibits discrimination against friends, relatives, carers and co-workers of a person with a disability.</p> <p>Racial Discrimination Act 1975 (Cth) The Racial Discrimination Act prohibits discrimination and offensive behaviour based on racial intolerance. This includes discrimination based on race, colour, descent, and national or ethnic origin. It also protects those who may be discriminated against based on their association with people of a particular ethnicity. The Act applies to everyone in Australia and all organisations.</p> <p>b) This will be relevant to students state/Territory</p>	<p>different backgrounds that may hinder in carrying out your job.</p>		<p>policies and procedures to prevent discrimination at workplace.</p>	
<p>g. Dignity of Risk (Approximate word count 150-200 words)</p>	<p>a) The international Human rights declaration and the Model WHS Act outlines dignity of risk as how people should have the freedom to make decisions and choices that may expose themselves to a level of risk.</p> <p>b) This will be relevant to students state/Territory</p>	<p>The ethical consideration here would be to support and afford a person to take reasonable risks in decision making</p>	<p>As a worker it is important to always respect the abilities and disabilities of others by allowing them to make choices for themselves.</p>	<p>The Organisation's duty of care includes consideration of dignity of risk, that is, the right of informed individuals to take calculated risks.</p>	<p>Breaching the dignity of risk can violate a clients' right to make decisions and take risks.</p>
<p>h. Duty of Care</p>	<p>a) Model WHS Act</p>	<p>The ethical consideration here</p>	<p>In day to day work duty of care is the legal duty</p>	<p>It is the employer's responsibility to ensure</p>	<p>Legal liabilities may arise if facility or workers are in</p>

Student name: <<Insert student name here>>
Student number: <<Insert student number here>>



(Approximate word count 150-200 words)	health and safety legislation states a person conducting a business or undertaking (PCBU) has a duty of care to maintain a healthy and safe workplace. Employers are generally regarded as PCBUs, and are legally obliged to ensure workers are able to carry out their work safely and without risk to their health b) This will be relevant to students state/Territory	would be to always follow principles of respect for all persons you are caring for.	to take reasonable care so that others aren't harmed and involves identifying risks and taking reasonable care in your response to these risks.	that all reasonably practicable measures have been taken to control risks against all possible injuries arising from the workplace. The employer's duty of care applies to all people in the workplace, including visitors, contractors etc.	breach of their duty of care and if client care is sub-standard. Failure at audit – rectifications, fines, cancellation of registration
i. Informed Consent (Approximate word count 150-200 words)	a) The model WHS Act outlines the responsibility of employers and employees to always seek informed consent when dealing with clients matters and sensitive issues b) This will be relevant to students state/Territory	As an ethical consideration it is important to ensure that the person providing you with a consent has the ability to make a decision and have made the decision without any pressure	As a worker it is your duty to ensure that you provide enough detailed information when seeking consent on any matters.	All organisations will have policies to reflect that consent by a person must be in writing when required by law or by the policies of the state, territory or healthcare organisation where the person is receiving care and treatment. The most appropriate form of consent will depend on the degree of risk and complexity of the treatment for that person.	Failure to obtain a patient's consent to health care may result in a criminal charge of assault or civil action for battery.
j. Mandatory reporting	a) The National Law of Australia contains mandatory reporting obligations for registered health	Ethical consideration here is to be transparent and	As a worker it is legislated and important to report any incidents, injuries or	All organisations are legally required to report 'notifiable'	Potential legal implications for facility and staff.

Student name: <<Insert student name here>>
Student number: <<Insert student number here>>



<p>(Approximate word count 150-200 words)</p>	<p>practitioners, employers and education providers. Mandatory reporting obligations aim to protect the public by ensuring that the National Boards are aware of practitioners who may be placing the public at risk of harm b) This will be relevant to students state/Territory</p>	<p>honest; not reporting incidents and injuries can be dangerous and put your safety and safety of others at risk.</p>	<p>illnesses that occur at workplace</p>	<p>workplace incidents involving personal safety, which include:</p> <ul style="list-style-type: none"> • death • serious bodily injury • work-caused illness • dangerous events • dangerous electrical events • serious electrical incidents • major accidents. 	<p>Client will be at risk as authorities will not be able to address the issue.</p>
<p>k. Practice standards (Approximate word count 150-200 words)</p>	<p>a) These are covered in the duty of care outlined in Model WHS Act and it states everyone working in the health and community care industry has a duty of care and legal obligation to adhere to standards of reasonable care when performing there duties. b) This will be relevant to students state/Territory</p>	<p>Not following standard guidelines can impact negatively on the care you are providing to your clients.</p>	<p>Practice standards are legal and ethical guidelines that help and guide individual workers to carry out their duties in a responsible manner.</p>	<p>Organisations have responsibility to set out guidelines for best practice that includes legal and ethical rights and responsibilities of employers and employees and every member of the organisation has the</p>	<p>Client care is sub-standard. Failure at audit – rectifications, fines, cancellation of registration</p>

Student name: <<Insert student name here>>
Student number: <<Insert student number here>>



				responsibility to work with these set of practice standards.	
l. Practitioner and clinical boundaries (Approximate word count 150-200 words)	a) The Model WHS Act under duty of care states that a boundary violation involves a conflict of interest in the actions or behaviours of the care provider, resulting in harm or a burden to the client./ b) This will be relevant to students state/Territory	One of the ethical considerations is to always be mindful when working with clients and not give assistance or advice outside your role or expertise (e.g. financial advice, family counselling, relationship advice).	As a support worker it is important to always maintain professional boundary when dealing with vulnerable people. For example sometimes a client might seek friendship or have unreasonable expectations from the support worker so it is important to set limits and boundaries from the start.	It is the organisations responsibility to set guidelines and work role boundaries to ensure there is safe work environment for staff and clients.	Working outside of boundaries may lead to harm to the client and potential negative implications for the worker and facility.
m. Privacy, confidentiality, and disclosure (Approximate word count 150-200 words)	a) The Privacy Act 1988 (Privacy Act) is the principal piece of Australian legislation protecting the handling of personal information about individuals. This includes the collection, use, storage and disclosure of personal information in the federal public sector and in the private sector. b) This will be relevant to students state/Territory	Ethical consideration here is to be very careful and mindful about not talking about clients or organisation in a public place as this may breach clients privacy.	Legal and ethical considerations includes keeping clients information confidential at all times as it could be used by others to discriminate against them or identify someone who wishes to remain anonymous.	Organisations at large have a responsibility and develop a range of policies and procedures that link to maintaining privacy and confidentiality	May have serious impacts on the client, the worker and the facility. Breaching a client's privacy, confidentiality and disclosure may lead to legal implications.
n. Policy frameworks	a) There are a number of frameworks in Australia that support the rights of others. These	The ethical consideration is uphold the values	You must work within ethical and legal	The framework provides guidance to organisation to design	Consequences may include legal implications, risk to

Student name: <<Insert student name here>>
Student number: <<Insert student number here>>



(Approximate word count 150-200 words)	frameworks provide access and equity policy in education and care services, including accommodating: children people with disabilities people from diverse cultural backgrounds at risk of being abused or neglected. b) This will be relevant to students state/Territory	laid out in the framework to respect all persons and to promote respect for their inherent dignity.	frameworks to ensure you are meeting the needs of people and vulnerable clients	their policies and procedures and a guide to specific actions, practices and interactions that should be implemented	clients, workers and the facility.
o. Records Management (Approximate word count 150-200 words)	a) Records management obligations are contained in other Acts including the Freedom of Information Act 1982 and the Financial Management and Accountability Act 1997 (FMA Act) which legislate that sound record management is key to decision making. b) This will be relevant to students state/Territory	Records are reliable source of information about critical client care hence ethically it is crucial to create and complete accurate records of the work on a regular basis.	All staff and contractors have a responsibility to know the Records Management Procedures in detail, and model good records management behaviour of the policy and procedures.	All organisations have responsibilities in relation to the records of the function they perform. Staff, consultants and contractors should keep full and accurate records in accordance with this Policy.	Not adhering to records management may incur disciplinary action, performance management or termination of employment.
p. Rights and responsibilities of worker, employers and clients (Approximate word count 150-200 words)	a) The model WHS Act provides a clear charter on rights and responsibilities of employers and employees these include: Workers: taking reasonable care of yourself not doing anything that would affect the health and safety of others at work	One of the ethical consideration is to always respect the boundaries of professional relationship and not violate organisations policies.	As a support worker it is always important to carry out all work within the realms of your, employers and clients' rights and responsibilities	An organisation has the responsibility of having sound policies and procedures that clearly outline policies and procedures for staff, clients and employers	Repercussions for employers may include legal liabilities if rights and responsibilities are not complied with. Consequence may include the client being removed from the service, or potential legal repercussions.

Student name: <<Insert student name here>>
Student number: <<Insert student number here>>



	<p>following any reasonable health and safety instructions from your employer Employer Providing necessary health and safety instruction, supervision & training. Ensuring all staff understands their roles and responsibilities. Client: Participate in the planning of your care and sign a form recording your consent to that care. Follow treatment or care instructions. Tell us about any changes in your condition or any concerns you have. Be available at the times we are due to visit or let us know in advance if you cannot be there. Be courteous and respectful to staff at all times. b) This will be relevant to students state/Territory</p>				
<p>q. industrial relations legislation relevant to employment conditions of role</p>	<p>a)The Fair work Act, The Fair Work Act 2009 (FW Act) and the Fair Work Regulations 2009 are the main legislation we deal with. They govern the employee / employer relationship in Australia. is a national workplace relations</p>	<p>Ethical consideration here could be to be honest in reporting any situation that could put you or your client in a</p>	<p>As a support worker it is important to follow the laws and discuss requirements of reasonable adjustments based on the situation you are in.</p>	<p>Every organisation /Employers must give their employees a place to work and make sure they have access to it. They must give them the tools, equipment</p>	<p>Not complying with industrial legislation relevant to employment conditions of the work role may result in legal liabilities to the employer.</p>

Student name: <<Insert student name here>>
Student number: <<Insert student number here>>



(Approximate word count 150-200 words)	<p>system that sets minimum standards and conditions for employees and provides the legal framework for employer-employee relations for the majority of workplaces in Australia.</p> <p>b) This will be relevant to students state/Territory</p>	hazardous or risky situation		<p>and other things they need to do their work. Employers must pay their employees the salary and benefits they agreed to, including vacation, paid holidays and other types of holidays.</p>	
<p>r. specific legislation in the area of work – objectives and key components (Approximate word count 150-200 words)</p>	<p>a) Model WHS Act The key component of the Act is to provide for a balanced and nationally consistent framework to secure the health and safety of workers and workplaces.</p> <p>b) This will be relevant to students state/Territory</p>	<p>One of the ethical considerations is to learn and have good knowledge of the applicable legislations and work within the parameters set out by the legislations, rules and regulations</p>	<p>Always follow the obligations and responsibilities that are aligned to the role</p>	<p>All organisations must have policies and procedures that reflect roles and responsibilities of employers and employees, contractors, clients etc in line with the legislative requirements</p>	<p>Consequences of non-compliance to specific legislation in have serious implications to the facility such as not being allowed to operate.</p>
<p>s. work role boundaries – responsibilities and limitations (Approximate word count 150-200 words)</p>	<p>a) Follow the model WHS ACT for work role responsibilities such as duty of care, dignity of risks, practice standards and follow organisations policies and procedures to work within professional boundaries and be aware of the limitations of the role.</p> <p>b) This will be relevant to students state/Territory</p>	<p>One of the ethical considerations is to always work with the boundaries and limitation of the role and to not set unrealistic expectations for the clients or provide advice to the clients which is beyond the</p>	<p>Always maintain Professional boundaries at work such as being aware of the scheduled length and time of a session, limits of personal disclosure, limits regarding the use of touch, consistent fee setting and the general</p>	<p>All organisations must follow legislations and guidelines and develop policies and procedures where staff are aware of their professional boundaries and limitations</p>	<p>Consequences may include potential legal implications to the worker and facility.</p>

Student name: <<Insert student name here>>
Student number: <<Insert student number here>>



		capacity of there role.	tone of the professional relationship.		
t. Work Health and Safety (Approximate word count 150-200 words)	<p>a) Each state and territory has its own health and safety legislation, largely based on the model Work Health and Safety Act 2011 (Cth). Legal responsibilities here include: Take reasonable care of your own health and safety, comply with healthy and safety rules and regulations, ensure to keep other safe while working with clients with special needs.</p> <p>b) This will be relevant to students state/Territory</p>	To perform work and duties with integrity, honesty and equity while adhering to ethical and legal principles.	Perform work only in areas of competence and within the limits of ones abilities.	The organisation has responsibility provide policies and procedures that and ensure the work environment, systems of work, machinery and equipment are safe and properly maintained. information, training, instruction and supervision are provided. adequate workplace facilities are available for workers.	Consequences of not complying with work health and safety may put the health and wellbeing of staff and clients at risk which could lead to legal implications.

Student name: <<Insert student name here>>
Student number: <<Insert student number here>>



Question 2

- a) Explain the differences and similarities between legal and ethical frameworks?
- b) Explain the interrelationship between legal and ethical frameworks?

Assessor instructions: student must be able to explain the differences and similarities. The students answers must be as per the benchmark answers provided below however the wording may vary.

(Word count: Approximately 70-80 words)

a) A legal framework is decided by law and based on legislation. An ethical framework is based on an individual's belief system and can influence the way an individual makes decisions based on their beliefs and/or expectations. Similarities between legal and ethical frameworks include:

- they are both used as an instrument of societal order
- they both regulate the behaviour and conduct of individuals in society
- they both are aimed at creating a better society.

(Word count: Approximately 35-40 words)

b) They are interrelated because they are both based on decision making. For instance, a worker might want to protect the client from hurting themselves (duty of care), however, the client has the right to exercise their self-determination/dignity of risk.

Question 3

In the table below there are some common situations that you may face when working in the health and care sector.

- a) Your task is to identify 1 legal issue that may arise as a support worker in a community service setting such as aged care, home and community care or disability services.
- b) Explain two (2) ways you would respond to the issues.

Assessor instructions: student must be able to outline two legal issues and two ways to respond to each of the situations below and as per the sample answers provided however there wording may vary.

(Word count: Approximately 150-200 words in total)

Situations	Outline one legal issue	List two ways to respond
You work as a carer in a community organisation while eating lunch at a busy cafeteria you overhear a conversation amongst two of your work colleagues who are gossiping about a client's health condition. You hear your colleagues mentioning the clients name and the seriousness of	1. This action by the staff members is in breach of the information privacy ACT 2000,	1. Refer to workplace policies and procedures and inform your supervisor about the incident. 2. Complete an incident report and submit as per workplace procedures

<p>their illness. You also overhear them talking about the client’s family and how they don’t often visit. The cafeteria is an open public place and is accessed by a lot of people on a daily basis.</p>		<p>3. Clearly outline circumstances under which confidentiality may be breached</p>
<p>A day outing is being organised for clients. The carers decide to exclude a disabled client who is from a CALD background as they think it is too difficult to work around his prayer times and that he probably wouldn’t want to go anyway because of his disability.</p>	<p>1. This is in breach of the disability discrimination ACT 1992 which states all employees/employers have a responsibility to eliminate 'as far as possible' discrimination on the ground of disability. to ensure 'as far as practicable' equality before the law for people with disabilities, to promote community acceptance of the rights of people with disabilities.</p>	<p>1. Show empathy for the person experiencing this issue of being secluded due to their disability or on bases on CALD 2. consider making notes on, or recording, the incident and reporting it to the supervisor 3. Check your workplace policies and procedures with regards to legal responsibility that outlines employers and employees duties to take all reasonable steps to prevent discrimination.</p>
<p>A laundry services worker is returning clean linen to a consumer’s room. The consumer asks the laundry services worker for assistance to the bathroom. The consumer says they did not want to bother care staff because they looked busy and attempts to convince the worker that providing the help they need is a quick and easy task.</p>	<p>1. This is breaching the ‘duty of care’ responsibilities as outlined in WHS ACT 2011 putting the life of the client in danger and you may be sued over negligent behaviour towards the clients 2. The Quality Standards have a broad requirement that consumers must receive safe care that is delivered by sufficiently skilled and qualified staff. Additionally, national and state laws have strict rules about the scope of practice of health care professionals, including nurses and personal care workers.</p>	<p>1. Refer to the workplace policies and procedures to ensure you are aware of your duties and responsibilities within the parameters of your job role and you are not putting yourself or the client at risk. 2. Fill out an incident report 3. Inform your supervisor/Manager of this situation so it does not occur again</p>

Student name: <<Insert student name here>>
Student number: <<Insert student number here>>



Question 4

In the table below there are some common situations that you may face when working in the health and care sector.

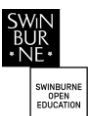
- a) Your task is to identify two (2) ethical issues that may arise as a support worker in a community service setting such as aged care, home and community care or disability services
- b) Explain two (2) ways in which you would respond to each of the situations in the table below.

(Approximate word count 150-200 words)

Assessor instructions: Student must provide answers in line with the situation and as per the sample answers provided below.

Situations	a) Outline two (2) ethical issues	b) List two (2) ways to respond
<p>Harry is working in Home and Community Care.</p> <p>One of the clients, Arnold has taken a liking to Harry as he reminds him of his son.</p> <p>Arnold often gives Harry small presents and has now offered to pay for a season ticket to the football (they both follow the same team).</p>	<ol style="list-style-type: none"> 1. Gift giving and receiving might create conflict of interests as it can either explicitly or implicitly, encourage obligation to 'return the favour' 2. offering gifts or cash could set the intention for the consumer to secure or influence care or to secure preferential treatment 	<ol style="list-style-type: none"> 1. Politely refuse this, and other future gifts by letting Harry know that the gifts are unacceptable as per the workplace policies and procedures and he would be in breach of the organisations requirements. 2. Speak to your supervisor to inform and seek their advice in this matter
<p>You have been caring for a young lady for six months now. She is wheelchair bound and lives alone in her home and recently you have noticed that her behaviour towards you has changed she seems to be attracted towards you and her suggestive comments make it clear that she wants more from this relationship. She has often asked you on your advice on her personal and financial matters which are beyond the boundaries of your role.</p>	<ol style="list-style-type: none"> 1. The ethical issue here is that this would cross the boundary of patient and professional carer relationship. Professional boundaries safeguards carers and clients and should always be maintained. 2. The other ethical issue is clients demand for advice on matters that are beyond the capacity of your role and it would be incorrect to cross the boundaries of your role and provide advice to client on 	<ol style="list-style-type: none"> 1. Gently but firmly state the limits of your role and make it clear that he is a carer and that is the basis of there relationship 2. Discuss the matter with your supervisor and seek their advice 3. Avoid after hour phone calls, becoming overly involved in clients personal matters and set the boundaries of the relationship in a professional manner.

Student name: <<Insert student name here>>
 Student number: <<Insert student number here>>



	personal, financial matters.	
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Question 5

This question has three (3) parts. You must complete all three(3) parts of the question.

- a) Briefly describe workplace policies, procedures and protocols how they are/should be developed in health and community care services organisations. Provide five (5) keys steps involved in developing the workplace policies, procedures and protocols.
- b) Provide an example of the processes used in reviewing policies and procedures.
- c) Explain how consultation input can assist with reviewing policies and procedures in the workplace.
- d) Explain the mechanisms used in the process of reviewing workplace policies, procedures, and protocols;

(Word count: Approximately 150 - 300 words in total)

Assessor instructions: student must be able to describe how policies and procedures are developed, including five (5) keys steps involved in the development of the workplace documents and two (2) examples of how they should be reviewed, and consultation can assist in the development. The students answers must be as per the benchmark answers provided below however there wording may vary.

a) (Word count: Approximately 230-255 words)

a) A workplace policy document outlines an organisations various policies, practices and procedures relevant to the workplace. They provide employees with a clear understanding of what is expected of them and provide a consistent approach to manage day to work operations and any issues if they may arise. From time-to-time organisations involve their staff members to review these policies, procedures and protocols to ensure they are consistent, up to date with industry changes, regulations and reflect industry best practices.

The development of policies involves the following five key steps:

Plan – A need for developing a policy is identified, e.g., a change in legislation or government policy. The policy holder (organisation) is responsible for the content of the policies and procedures, as well as implementation. Policy and procedure development ensures compliance with laws and regulations and provide guidance for making decisions in the workplace.

Research - Issues related to the policies and procedures are researched, such as legislation and best practices. The policyholder will also consult experts in the domain in this stage.

Develop - Documentation of all policy and procedure statements with regards to the research stage is done in this stage. Draft policy is usually presented or distributed to key stakeholders for feedback.

Review – Review of draft policies and procedure document, as well as recommendations and approval.

Implement – Once draft is approved, the policy is signed and prepared for distribution to staff

Final Review - This stage may include monitoring the implementation and feedback to ensure compliance is adhered with.

b) (Word count: Approximately 45-50 words)

Student name: <<Insert student name here>>
 Student number: <<Insert student number here>>



b) Policies, procedures and protocols are usually reviewed every 12 months, as part of the regular continuous improvement processes of the workplace.

They can be reviewed through:

- Provision of feedback
- Attending continuous improvement meetings
- Participating in review sessions
- Sharing ideas and suggestions
- External consultations

c) (Word count: Approximately 45-50 words)

c) Consultation can assist in workplaces when specialist information is required, such as the provision of advice regarding legislative frameworks, or changes to legislation or government. Consultation may also include internal stakeholders such as employees who are familiar with the nature of the work.

d) (Word count: Approximately 35-40 words)

Mechanisms may include meetings with staff members, keeping up to date with regulatory and legislative requirements. Senior management may review processes, procedures and protocols annual and obtain feedback from staff about processes at a ground level that require improving.

Question 6

This question has six (6) parts, that must be completed.

- Describe your understanding of Human Rights
- Explain the Universal Declaration of Human Rights and how it is applied in the community and health services?
- Explain how human rights relate to human needs?
- Provide an example of how a client's human rights and human needs is applied by organisations in the Community Care sector?
- Describe the frameworks that are in the workplace to ensure the United Declaration of Human Rights are upheld?
- Explain the approaches used in the workplace that relate to human rights frameworks?
- Describe the instruments used in the workplace when working within a human rights framework.

Assessor instructions: Students must show the interrelationship between human rights and needs and how they are applied. Student responses must be in line with the sample answers provided below however the wording may vary.

a)
(Word count: Approximately 80 words in total)

The Universal Declaration of Human Rights was adopted by the United Nations General Assembly in 1948. The declaration is not legally binding for the countries who have signed it, but it does set out an important set of agreements and understandings about what human rights mean for the world.

The declaration includes articles which relate to specific areas of human rights, many of which are highly relevant to the Aged Care sector.

Student name: <<Insert student name here>>
Student number: <<Insert student number here>>

For example – Article 1 states: *All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.* [Universal Declaration of Human Rights | United Nations](#)

b)

(Word count: Approximately 30 to 60)

Human needs are what we require to survive, e.g., food and water. Human rights are moral, ethical or legal entitlements to have or do something, e.g., having the right to health care services. For instance, if there is a need to seek medical attention because our health is impacted, we have a right to healthcare services and treatment. The health care workforce is responsible for providing sound, safe health care services that are in line with clients needs and requirements of care.

c)

(Word count: Approximately (20-30)

Student responses may vary, however an example may include the following.

People receiving community care services have the right to live without abuse and neglect and have their needs fulfilled.

d)

(Word count: Approximately 35-40)

Human rights frameworks describe a set of measures put in place to guide human rights work, for example, the Australian Human Rights Framework. In a workplace, this could mean an organisation has rules that prohibit harassment, bullying and discrimination.

e)

(Word count: Approximately (30-35)

A human rights approach means that all forms of discrimination must be prevented, eliminated or prohibited, such as having workplace practices where all people are treated with respect and dignity.

f)

(Word count: Approximately (50-55)

Instruments in the workplace can include policies, procedures or codes of conduct that includes information about human rights, for example, everyone having the right to an environment free from violence and discrimination and to be treated equally and that everyone in the workplace must be aware of their responsibilities.

Assessment checklist:

Students must have completed all questions within this assessment before submitting. This includes:

1	6 questions to be completed to as satisfactory level that meets the unit of competency and assessment requirements.	<input type="checkbox"/>
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Congratulations you have reached the end of Assessment 1!

Student name: <<Insert student name here>>
Student number: <<Insert student number here>>



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